

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:	ATTORNEY DOCKET NO.	MFCP.110228
KATHLEEN M. FRIGON, <i>ET AL.</i>		
SERIAL NO.	CONFIRMATION NO.:	6020
FILING DATE:	GROUP ART UNIT:	2179
TITLE: TABLE OF CONTENTS DISPLAY	EXAMINER:	ERIC A. WIENER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**DECLARATION OF KATHLEEN M. FRIGON
PURSUANT TO 37 C.F.R § 1.131**

Dear Sir:

I, Kathleen M. Frigon, declare as follows:

1. I am an inventor of the above-referenced patent application, and am familiar with the contents thereof.

2. I currently reside at [please insert current address]. 13760 NE 34th Place, Bellevue, WA 98005

3. I have reviewed the "Simplifying the Management of Large Photo Collections" reference cited by the Examiner under 35 U.S.C. §102(a), which is dated less than one year prior to my effective U.S. filing date of January 23, 2004, and which shows, but does not claim, the same patentable invention.

4. The subject matter which I desire to claim does not correspond to a lost count in an interference and is not otherwise barred to the Applicants.

5. As is evident from the attached Exhibits A and B, Applicants completed and reduced to practice the invention in the United States at least prior to July, 29, 2003 (or in a NAFTA country after 12/8/93, or in a WTO country after 1/1/96).

6. More specifically, Exhibit A is a press release that evidences the release of a product titled "Microsoft® Digital Image Suite 9" on July 29, 2003. Exhibit B provides screen shots generated by the Microsoft® Digital Image Suite 9 product.

7. As evidenced by Exhibit B, the Microsoft® Digital Image Suite 9 product provides an actual reduction to practice of at least one embodiment of the invention now claimed in the present application.

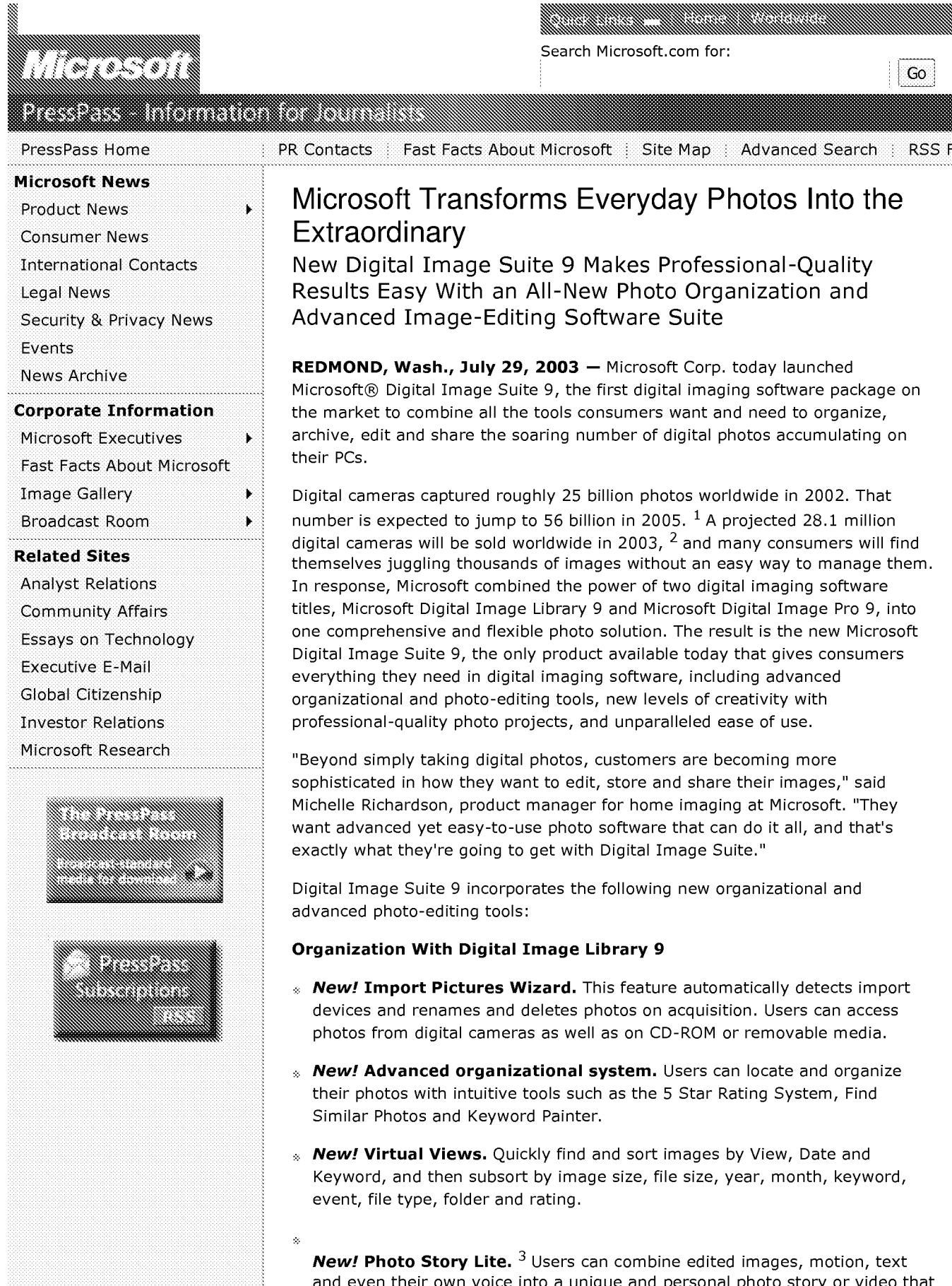
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

5/21/07

Date


Kathleen M. Frigon

EXHIBIT A



can be burned onto CD-ROM and viewed in most consumer DVD players or sent via e-mail.

- ❖ **New! Archive.** Protect and preserve precious photos and hard drive space with Digital Image Library's new state-of-the-art archival technology. Users can customize automatic backup reminders, choose among archiving options, burn CDs of favorite photos, archive to multiple devices and find archived images easily.

Advanced Photo-Editing With Digital Image Pro 9

- ❖ **New! Smart Erase.** Cutting-edge technology helps automatically remove unwanted objects with a click of the mouse.
- ❖ **New! Blending Brush.** Users can smooth away photo blemishes by copying the texture of part of an image and pasting it elsewhere.
- ❖ **New! Straighten Picture.** Users can align crooked pictures by shifting their image to a desired angle. They simply select the horizon line, and then use Straighten Picture to rotate and crop the area to a perfect line.
- ❖ **New! Multiple selection tools.** Users can choose from multiple selection tools, such as Marquee, Freehand, Edge Finder and Magic Wand, to select a specific photo area for editing.
- ❖ **New! Gaussian Blur.** This feature provides a sophisticated way to blur pictures to achieve a special effect or reduce emphasis on selected photo areas.
- ❖ **New! Unsharp Mask.** Users can sharpen a pictureGeneral term refers to a single photo or a composite project on the canvas. that is slightly out of focus. The Unsharp Mask uses noise-reduction threshold, contrast and edge width to determine which pixels to sharpen and by what degree.
- ❖ **New! Rule of Thirds.** Users can enhance objects by applying visually pleasing proportions and get a well-balanced photo that is appealing to the eye.
- ❖ **New! Save for a Mobile Device.** Users can instantly resize digital photos to the correct display size for a mobile device. Photos can be resized to fit on most popular mobile phones, Pocket PC or Palm devices.

Unmatched Help and Startup Tools

Digital Image Suite 9 continues Microsoft's tradition of powerful yet easy-to-use digital imaging products by including an enhanced startup window, new instructional videos and an improved user interface, making photo capture and enhancement easier than ever.

New Levels of Creativity and More Ways to Share

Digital Image Suite 9 offers new levels of creativity, with more than 5,000 images, 3,000 designer project templates, 200 filters (50 of which are new in Digital Image Suite 9) and a variety of mats, frames and templates for creating professional photo projects such as scrapbooks, photo albums, calendars and postcards. Filters with effects such as Antique, Impressionism and Watercolor add instant style to photos. Users can find professionally designed photo project templates for a variety of occasions, seasons and needs, including kids' crafts and business, community and home projects.

In addition, with MSN® Photos,⁴ users can seamlessly order photo reprints and

gifts directly from within Digital Image Suite 9.

Availability

Microsoft Digital Image Suite 9 is available for an estimated retail price of \$129 (U.S.).⁵ Microsoft offers \$60 in rebates -- a \$30 version upgrade and competitive upgrade mail-in rebate, as well as an additional \$30 digital camera mail-in rebate (if consumers purchase any digital camera within 30 days of acquiring the application). In addition, the product ships with \$80 worth of coupons for Fuji products, Avery paper samples and Alien Skin plug-ins. Digital Image Suite 9 also is available at academic pricing and for business licensing. (Certain offer restrictions apply to each offer.)

In addition to the high-end features and functionality offered by Digital Image Suite 9, Microsoft provides product options for all levels of digital photography users. Picture It!® Photo Premium 9 offers a popular collection of midlevel photo-editing, drawing and painting options. Microsoft also is shipping Plus! Digital Media Edition, which includes a full version of Plus! Photo Story, Plus! Party Mode, Plus! Effects & Transitions for Windows® Movie Maker 2, and Plus! Sync & Go for Pocket PC, all for \$19.95 (U.S.).⁵

About Microsoft Home Retail Division

Microsoft Home Retail Division (HRD) is a leading publisher of home software for the PC. Celebrating Microsoft's 20 years of delivering products that help consumers accomplish and enjoy everyday tasks, HRD brings consumers the Microsoft Encarta® encyclopedia, the industry's best-selling⁶ encyclopedia brand; Microsoft Digital Image products, which combine advanced photo-editing features and unmatched organizational tools with unparalleled ease of use; Microsoft Money, easy-to-use personal finance management software; Streets & Trips, Microsoft's all-in-one mapping solution with points of interest, routes, driving directions and Pocket PC compatibility in one value-priced software package; and Microsoft Works Suite, the best-selling⁷ integrated home productivity software that offers six of the latest essential home software titles in one package for tremendous value. Used with the MSN network of Internet services, these products have a unique depth and mobility that allow users to take their PC experience even further.

About Microsoft

Founded in 1975, Microsoft (Nasdaq "MSFT") is the worldwide leader in software, services and Internet technologies for personal and business computing. The company offers a wide range of products and services designed to empower people through great software -- any time, any place and on any device.

1 Source: Lyra Research Inc. and Photofinishing News Inc.

2 Source: In-Stat/MDR

3 Requires Microsoft Windows XP operating system

4 Internet connection required

5 Actual retail price may vary.

6 Source: NPDTechworldSM, March 1993--March 2003, based on total U.S. retail sales

7 Source: NPDTechworld, March 1993--March 2002, based on total U.S. retail

sales

Microsoft, MSN, Picture It!, Windows and Encarta are either registered trademarks or trademarks of Microsoft Corp. in the United States and/or other countries.

The names of actual companies and products mentioned herein may be the trademarks of their respective owners.

For product box shots:

If you are interested in downloading high-resolution product box shots for Microsoft Digital Image Suite 9 or other Microsoft products, please visit the Microsoft Web page at

http://www.microsoft.com/presspass/images/gallery/boxshots_a-d.asp..

Note to editors: If you are interested in viewing additional information on Microsoft, please visit the Microsoft Web page at

<http://www.microsoft.com/presspass/> on Microsoft's corporate information pages. Web links, telephone numbers and titles were correct at time of publication, but may since have changed. For additional assistance, journalists and analysts may contact Microsoft's Rapid Response Team or other appropriate contacts listed at <http://www.microsoft.com/presspass/contactpr.asp>..

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EXHIBIT B

